

### **REMARKS**

Claims 13-15 and 24-27 are pending. Claims 1-12, 16-23 and 28-31 are canceled. Claims 24 and 26 are amended herein to correct obvious errors in dependencies.

Applicants elect herein Group III (claims 13-15 and 24-27) for further prosecution. Applicants retain their right to pursue the canceled claims in divisional applications.

Claims 24 and 26 have been amended to correct obvious errors in dependencies. Claim 24, as filed, depended from claim 21. This was an obvious error because claim 24, as filed, further limited "said antibody" and "the test tube or pipette." Claim 21, as filed, contained no "antibody," "tube" or "pipette" limitation. On the other hand, claim 23, as filed, contained "antibody," "tube" and "pipette" limitations. As such, the dependency of claim 24 on claim 23 (and not on claim 21) would have been obvious.

In view of the obvious dependency of claim 24 on claim 23, Applicants have amended claim 24 to include the limitations of claim 23 as filed. Parts of the substance of claim 23, after amendment, issued as claim 3 in U.S. Pat. No. 6,638,505 on October 28, 2003 from Appln. Ser. No. 09/817,144, filed March 27, 2001. The above-captioned application is a divisional of Appln. Ser. No. 09/817,144. Claim 24, however, was canceled in Appln. Ser. No. 09/817,144 in view of a telephonic Examiner Interview on May 25, 2003.

Applicants herein pursue claim 24 within elected Group III by adding the limitations of independent claim 23 (from which claim 24 depended) to claim 24. As such, claim 24, as amended, contains no new matter.

Likewise, claim 26, as filed, erroneously depended from claim 23 rather than claim 25. This dependency was an obvious error because claim 26, as filed, further limited "the peptide," "the tube" or "the pipette." Claim 23 did not contain a "peptide" limitation. On the other hand, claim 25, as filed, contained a "peptide" limitation as well as a "tube" and a "pipette" limitation. As such, dependency of claim 26 from claim 25 (and not from claim 23) would have been obvious. Applicants have amended claim 26 herein to correctly depend from claim 25. As such, claim 26, as amended herein, contains no new matter.

### **Applicants Elect Group III**

The Examiner has required restriction to one of the following inventive groups:

**Group I**, claims 6-8, drawn to, *inter alia*, a method of inhibiting or preventing the attachment of influenza virus particles to the cells of a human patient, classified in class 514, subclass 8.

**Group II**, claims 9-11, drawn to, *inter alia*, a method of treating schizophrenia, classified in class 514, subclass 62.

**Group III**, claims 13-15 and 24-27 drawn to, *inter alia*, a purified monoclonal antibody, a therapeutic composition for increasing anti-malignin antibody concentration, associated kits, and an isolated nucleic acid encoding SEQ ID NO:1 or SEQ ID NO:2, classified in class 530, subclass 388.1.

**Group IV**, claims 16-17, drawn to, *inter alia*, a method of treating chronic viral infection, classified in class 514, subclass 13.

**Group V**, claims 18-19, 22 and 28-30, drawn to, *inter alia*, a method of diagnosing cancer associated with chronic viral disease, classified in class 435, subclass 7.1.

**Group VI**, claim 21, drawn to, *inter alia*, a method of treating brain tumors, classified in class 514, subclass 23.

**Group VII**, claim 31, drawn to, *inter alia*, a method of diagnosing schizophrenia, classified in class 436, subclass 161.

Applicants elect to prosecute the claims of **Group III** (claims 13-15 and 24-27) drawn to, *inter alia*, a purified monoclonal antibody, a therapeutic composition for increasing anti-malignin antibody concentration, associated kits, and an isolated nucleic acid encoding SEQ ID NO:1 or SEQ ID NO:2, classified in class 530, subclass 388.1. Applicants maintain their right to pursue non-elected claims in divisional applications.